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15866 U.S. PTO 101305	FORM PTO-1390 (REV. 2-2005)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER <b>8932-1191-999</b>
	<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>			U.S. APPLICATION NO. (if known, see 37CFR 1.5) <b>10/553495</b>
INTERNATIONAL APPLICATION NO. <b>PCT/CH2003/000247</b>		INTERNATIONAL FILING DATE <b>April 14, 2003</b>		PRIORITY DATE CLAIMED <b>April 14, 2003</b>
TITLE OF INVENTION <b>INTERVERTEBRAL IMPLANT</b>				
APPLICANT(S) FOR DO/EO/US <b>Daniel Baumgartner et al.</b>				
Applicants herewith submit to the United States Designated/ Elected Office (DO/EO/US) the following items and other information:				
<p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The U.S. has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p style="margin-left: 40px;">a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p style="margin-left: 40px;">b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</p> <p style="margin-left: 40px;">c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p style="margin-left: 40px;">a. <input type="checkbox"/> is attached hereto.</p> <p style="margin-left: 40px;">b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p style="margin-left: 40px;">a. <input checked="" type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p style="margin-left: 40px;">b. <input checked="" type="checkbox"/> have been communicated by the International Bureau.</p> <p style="margin-left: 40px;">c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p style="margin-left: 40px;">d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An <b>unexecuted</b> oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>				
<b>Items 11 to 20 below concern document(s) or information included:</b>				
<p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98, a List Of References Cited, and copies of 3 foreign references.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p>				

US APPLICATION NO. (US known, see 37 CFR 1.51) <b>10/553495</b>	INTERNATIONAL APPLICATION NO. <b>PCT/CH2003/000247</b>	ATTORNEY'S DOCKET NUMBER <b>8932-1191-999</b>
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17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter 2 and 37 CFR 1.821- 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: (1) International Preliminary Examination Report under PCT Article 36 (in German) and Article 34 Amendments annexed thereto; and  
(2) International Search Report

21. The following fees are submitted:

**BASIC NATIONAL FEE:**

- ☒ a) Basic national fee..... **\$300.00**
- ☒ b) Examination fee.....
- Was the International Preliminary Examination Report prepared by the USPTO and do all filed claims in this U.S. application satisfy provisions of PCT Article 33(1)-(4) (i.e., novelty, inventive step and industrial capability)?.....
- ☐ i) Yes (\$100.00).....
- ☒ ii) No (\$200.00)..... **\$200.00**
- ☒ c) Search fee.....
- Was the USPTO the International Searching Authority? .....
- ☐ i) Yes (\$100.00) .....
- ii) If no:
- ☒ (a) An International Search Report will be provided to the USPTO on or before payment of the search fee. (\$400.00)..... **\$400.00**
- ☐ (b) No International Search Report will be provided to the USPTO. (\$500.00).....

**TOTAL OF CALCULATIONS**

= **\$900.00**

- ☐ Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing of computer programs listing filed in electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number).	RATE
21 - 100	0 / 50		x 250.00

= \$0.00

Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

= \$0.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE X
Total Claims	33 - 20	13	x \$50.00
Independent Claims	1 - 3	0	x \$200.00

= \$650.00

= \$0.00

- ☐ MULTIPLE DEPENDENT CLAIM(S) (if applicable) + \$360.00

= \$0.00

**TOTAL OF ABOVE CALCULATIONS**

= **\$1,550.00**

- ☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 50%

= \$0.00

**SUBTOTAL**

= **\$1,550.00**

Surcharge of \$130.00 for furnishing the English Translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

= \$0.00

**TOTAL NATIONAL FEE**

= **\$1,550.00**

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Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). 0 x \$40.00 per property		\$0.00	
<b>TOTAL FEES ENCLOSED</b>	<b>=</b>	<b>\$1,550.00</b>	
	<b>Amount to be refunded:</b>		
	<b>charged:</b>		

a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.

b. ☒ This is an estimate of the fees due. Please charge the required fees to **Deposit Account No. 50-3013**. A copy of this sheet is enclosed.

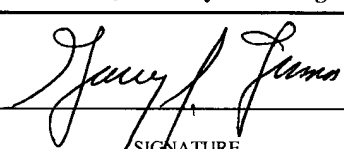
c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to **Deposit Account No. 50-3013**. A copy of this sheet is enclosed.

Note: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status.

22. ☐ Other instructions

23. ☒ All correspondence for this application should be mailed to **JONES DAY** Customer No. 51832

24. ☒ All telephone inquiries should be made to **Jones Day Docketing at 212-901-9028**.

<b>Garry J. Tuma</b>		<b>40,210</b>	<b>October 13, 2005</b>
NAME	SIGNATURE	REGISTRATION NO.	DATE